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SENATE RESOLUTION

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WHEREAS, The Chicago Tribune investigative reports in the fall of 2009 identified severe problems in nursing homes that endangered residents; and

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WHEREAS, The 96th General Assembly on May 7, 2010 passed Senate Bill 326 that included multiple provisions to improve safety in nursing homes; and

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WHEREAS, A key provision in the legislation was a statutory increase in the staffing ratios for nursing homes; and

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WHEREAS, Governor Quinn signed Senate Bill 326 into law as Public Act 96-1372 with an effective date of July 29, 2010; and

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WHEREAS, The Office of the Attorney General has increased the enforcement of nursing home standards and the identification of criminals living in nursing homes; and

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WHEREAS, The 96th General Assembly on January 11, 2010 passed Senate Bill 3088 which created a new nursing home bed tax to increase funding to nursing homes in order to support the higher staffing ratios required by Public Act 96-1372 and in order to fund the State's increased enforcement activities; and

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1           WHEREAS, Governor Quinn signed Senate Bill 3088 as Public  
2 Act 96-1530 with an effective date of February 16, 2011; and

3           WHEREAS, Public Act 96-1530 did not contain any provisions  
4 directly linking the increased funding from the nursing home  
5 bed tax to higher standards or increased staffing; and

6           WHEREAS, It is in the best interests of the citizens of  
7 Illinois to ensure that the safety provisions in Public Act  
8 96-1372 are properly implemented and effective; and

9           WHEREAS, It is in the best interests of the citizens of  
10 Illinois to ensure that the funding from the nursing home bed  
11 tax is being used to improve nursing home safety; therefore, be  
12 it

13           RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL  
14 ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is  
15 directed to conduct a performance audit of the Department of  
16 Public Health and the Department of Healthcare and Family  
17 Services to assess those Departments' efforts to implement the  
18 provisions under Public Act 96-1372 and Public Act 96-1530; and  
19 be it further

20           RESOLVED, That the audit shall include, but not be limited

1 to, the following determinations:

2 (1) An analysis of problem nursing homes identified  
3 either in press reports by the Office of the Attorney  
4 General or by the Department of Public Health that have had  
5 safety issues, and the status of resident care before and  
6 after the provisions of Public Act 96-1372 and Public Act  
7 96-1530 became effective; and

8 (2) An analysis of the amount of the increased Medicaid  
9 rates funded by the bed tax established under Public Act  
10 96-1530 that are being used for meeting the new staffing  
11 requirements under Public Act 96-1372; and

12 (3) An assessment of whether the increased Medicaid  
13 funding has led to improvements in the problem nursing  
14 homes; and

15 (4) An analysis of the Department of Healthcare and  
16 Family Services' administration and implementation of the  
17 new bed tax as it relates to items (1), (2), and (3) above;  
18 and

19 (5) An analysis of the Department of Public Health's  
20 implementation of the provisions under Public Act 96-1372;  
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22 (6) A review of the amounts from the new bed tax used  
23 to fund State nursing home regulation enforcement  
24 activities and community based services; and be it further

1           RESOLVED, That the Office of the Governor, the Office of  
2 the Attorney General, the Department of Public Health, the  
3 Department of Healthcare and Family Services, and any other  
4 entity having information relevant to this audit shall  
5 cooperate fully and promptly with the Auditor General in the  
6 conduct of this audit; and be it further

7           RESOLVED, That the Auditor General commence this audit as  
8 soon as possible and report his or her findings and  
9 recommendations upon completion in accordance with the  
10 provisions of Section 3-14 of the Illinois State Auditing Act;  
11 and be it further

12           RESOLVED, That copies of this resolution be delivered to  
13 the Auditor General, the Governor, the Attorney General, the  
14 Department of Public Health, and the Department of Healthcare  
15 and Family Services.